## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA	)
	Plaintiff,	) 8:07CR54 )
	vs.	) ) DETENTION ORDER
JO	SE LUIS AGUILAR-OCHOA,	<b>)</b>
	Defendant.	<b>)</b>
A.	Order For Detention After waiving a detention hearing pursuar Act on March 9, 2007, the Court orders the to 18 U.S.C. § 3142(e) and (i).	nt to 18 U.S.C. § 3142(f) of the Bail Reform above-named defendant detained pursuant
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X             By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.             X             By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.     </li> </ul>	
C.	Services Report, and includes the followir X (1) Nature and circumstances of t X (a) The crime: a conspiral distribute methampheta carries a minimum semaximum of life imprise distribute methampheta 841(a)(1) carries a minimum and a maximum of life i Maximum of li	he offense charged: cy to distribute and possess with intent to mine (Count I) in violation of 21 U.S.C. § 846 ntence of ten years imprisonment and a onment; and the possession with intent to amine (Count II) in violation of 21 U.S.C. § imum sentence of ten years imprisonment mprisonment. of violence.
	may affect when the defendant of the def	appears to have a mental condition which ether the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. is not a long time resident of the community. It does not have any significant community of the defendant: has a history relating to drug abuse. has a history relating to alcohol abuse. has a significant prior criminal record. It has a prior record of failure to appear at

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	of the current arrest, the defendant was on: bation
Par	
	ease pending trial, sentence, appeal or completion of
	tence.
(c) Other Facto	
	e defendant is an illegal alien and is subject to
	ortation.
	e defendant is a legal alien and will be subject to ortation if convicted.
	Bureau of Immigration and Custom Enforcement
	CE) has placed a detainer with the U.S. Marshal.
	er:
	seriousness of the danger posed by the defendant's
release are as follo	ws: The nature of the charges in the Indictment.
V (5) Delegated la December	
X (5) Rebuttable Presu	
	the defendant should be detained, the Court also relied uttable presumption(s) contained in 18 U.S.C. § 3142(e)
	ds the defendant has not rebutted:
	andition or combination of conditions will reasonably
	ppearance of the defendant as required and the safety
	person and the community because the Court finds that
the crime in	
(1)	A crime of violence; or
<u>X</u> (2)	An offense for which the maximum penalty is life
	imprisonment or death; or
<u>X</u> (3)	A controlled substance violation which has a maximum
(4)	penalty of 10 years or more; or
(4)	A felony after the defendant had been convicted of two
	or more prior offenses described in (1) through (3) above, <u>and</u> the defendant has a prior conviction for one
	of the crimes mentioned in (1) through (3) above which
	is less than five years old and which was committed
	while the defendant was on pretrial release.
X (b) That no co	endition or combination of conditions will reasonably
	ppearance of the defendant as required and the safety
	nunity because the Court finds that there is probable
cause to be	
<u>X</u> (1)	That the defendant has committed a controlled
	substance violation which has a maximum penalty of
(2)	10 years or more.
(2)	That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in
	relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment
	if committed by the use of a deadly or dangerous
	weapon or device).

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

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- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 9, 2007. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge